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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S.; and JOHN AND : HONORABLE SEAN J. MCLAUGHLIN  
MARY ELLEN S., on behalf :  
of their daughter, LEIGH :  
ANN S., a minor, :  
Plaintiffs :

v.

Civil Action No. 04-150E

GIRARD SCHOOL DISTRICT; :  
ROBERT SNYDER, Individually: :  
and in his capacity as :  
Principal of the Rice :  
Rice Avenue School; and :  
GREGORY YARBENET, a :  
professional employee of :  
the Girard School :  
District, :  
Defendants : Jury Trial Demanded

Deposition of WALTER BLUCAS, taken before  
and by Sonya Hoffman, Notary Public in and for the  
Commonwealth of Pennsylvania on June 9, 2005,  
commencing at 11:30 a.m., at the offices of Knox  
McLaughlin Gornall & Sennett, P.C., 120 West  
Tenth Street, Erie, PA 16507.

Reported by Sonya Hoffman  
Ferguson & Holdnack Reporting, Inc.

A-1<sup>1</sup>

1 information of materials that they would have confiscated,  
2 the computers, the police reports, and I believe you have  
3 all that stuff.

4 Q. Did you decide that it would be appropriate for  
5 the School District to investigate how this happened, how it  
6 happened that a teacher was able to molest middle school  
7 girls on a daily basis over a span of three and half years?  
8 Did you decide it was important for the School District to  
9 know that?

10 A. I'm not sure I understand your question. The  
11 investigation was being handled by the police, any  
12 information they chose to share with me certainly would --  
13 you know, I would work with.

14 Q. But the question is, did you, as the highest  
15 official of the School District, decide that it was  
16 important for you to know how it could happen that a teacher  
17 could molest young girl students on a daily basis over three  
18 and a half years?

19 MR. LANZILLO: Objection to form.

20 Q. Were you interested in how it could happen?

21 A. Interested in a degree to say you're going to  
22 prevent it 100 percent of taking some kind of action, it's  
23 not going to happen in a school setting.

24 Q. Even --

25 A. Like anywhere in our society, if somebody wants to

1 molest somebody, it's going to happen. It could happen in  
2 this, in this restroom down here. I'm not sure what you're  
3 looking for. Was I concerned, yeah. I think the press  
4 release said that, we're shocked, we're stunned, we're  
5 surprised, and saddened by the whole scenario.

6 Q. What did you do to make sure it didn't happen  
7 again?

8 A. Close school, that's the only thing you could do  
9 to make sure it wasn't going to happen again.

10 Q. Okay.

11 A. I'm not trying to be smart with you, I'm just  
12 telling you it could happen anywhere, anytime, anyplace in  
13 this world.

14 Q. Well --

15 A. If you have a magic cure for that, you're in the  
16 wrong business.

17 Q. Let me -- I don't have a magic cure. But I guess  
18 my question is: There's been testimony in this case that  
19 Yarbenet consistently kept the lights off in his room, was  
20 there any school rule or policy that you know of that  
21 instructed teachers not to keep the lights off in their  
22 room?

23 MR. LANZILLO: Objection to form.

24 A. Specific policy that says you can't keep the  
25 lights on or off, no. There would be different emergency

A-3

1 scenarios with fire drills, emergency evacuations,  
2 lockdowns. There was a whole range of things that came out  
3 there later in the last couple of years that were installed,  
4 including safety cameras, videotapes.

5 But in the nature of what I knew of his teaching,  
6 I think he made a lot of use of a -- what's the word I'm  
7 looking for, translucent or a type of overhead projector  
8 with overlays or mapping in his teaching. So that would not  
9 be unusual in a science classroom where they might be  
10 using -- turning the lights off to view things on the  
11 opaque -- or overhead projector.

12 (Blucas Deposition Exhibit No. 4 marked for  
13 identification.)

14 Q. Let's mark this as Exhibit No. 4. We've marked  
15 the police report; have you ever seen the police report  
16 before? Have you ever seen this document before, the police  
17 report, Exhibit No. 4?

18 A. I think I've seen some sections of it. I can't  
19 say I've seen it in it's entirety and I don't really recall  
20 when I saw it. I know it was substantially later.

21 Q. I asked you whether -- well, is it your opinion  
22 that there's nothing that can be done that can prevent a  
23 teacher who wants to molest a student, prevent that from  
24 happening?

25 A. Yeah, you can close the school.

A-4

1 Q. Short of that, you can't think of anything else?

2 A. I can't give you a plan that's 100-percent  
3 foolproof. If I could, I wouldn't be retired, I'd have  
4 developed it someplace that -- you just can't make that  
5 guarantee, you know that.

6 Q. How about 50-percent foolproof?

7 MR. LANZILLO: Objection to form.

8 Q. Is there some level of steps that the School  
9 District should take to ensure -- or to attempt to ensure  
10 that teachers don't molest their students?

11 A. I'm not sure I can answer that question to give  
12 any credibility to a sense of doing it. You're going to  
13 pool all your resources and put a camera in every nook and  
14 cranny, and monitor things that you're pulling money from  
15 everything else, you're shutting everything else down, this  
16 is all you have. Is that school, that's not what school's  
17 about.

18 Q. Okay. Well, do you know that the allegations in  
19 this case are that the abuse in this case happened on a  
20 daily basis -- a daily basis over a three-year period?

21 A. No, I do not know that.

22 Q. Do you think it's possible that a teacher could be  
23 molesting a student over a year-and-a-half period and that  
24 not come to the attention of, for instance, other students  
25 in the school?

A-5

1 Q. And do you know whether -- to your knowledge, did  
2 Chief Bucho ever meet separately with Mr. Snyder in a  
3 meeting when you weren't there?

4 A. I'm sure that he did.

5 Q. Okay.

6 A. I don't think I would have been present all the  
7 time. He was the building principal and I'm sure the Chief  
8 and the Sergeant would have followed up with him.

9 Q. Did you ever learn that Mr. McClelland and  
10 Mr. Snyder fielded a call from somebody who was concerned  
11 about the way Yarbenet and Stacy had acted on a field trip?

12 MR. LANZILLO: Objection to form.

13 A. No.

14 Q. I'm going to refer you to Mr. McClelland's  
15 deposition, there's several pages. I want you to read and I  
16 want to ask you some questions about it.

17 I asked Mr. McClelland whether he recalled any  
18 meetings involving him and Mr. Snyder, I'm going to refer  
19 your attention to my question at the bottom of -- at Line 24  
20 on Page 16 and ask you to read through Line 21 on Page 20.

21 A. (Witness complies.) Okay.

22 Q. Actually, could you -- I want you to read a little  
23 bit further; read all the way to Line 23 -- excuse me, Line  
24 6 on Page 22.

25 A. (Witness complies.) Okay.

A-6



1 Q. Have you had a chance to read that?

2 A. Yes.

3 Q. Would you have expected Mr. Snyder to do something  
4 other than that which Mr. McClelland reports that he did in  
5 connection with this incident?

6 MR. LANZILLO: Objection to form. You can answer.

7 A. What specifically are you referring to in his  
8 response?

9 Q. Well, I guess, it's reported that -- it's reported  
10 by Mr. McClelland that Yarbenet said that he considered  
11 Stacy Shaffer, a 13-year-old student of his, a confidante;  
12 would you have expected Mr. Snyder to do something about  
13 that information?

14 A. I would have had an expectation that he followed  
15 up with the teacher in terms of the extent to what that  
16 entailed.

17 Q. Mr. McClelland said that Mr. Yarbenet said that  
18 Stacy, quote, "Helped him get over the death of his first  
19 wife. She listened to him as he spoke about it and that's  
20 what he was doing that day," end quote.

21 If it comes to a principal's attention that a  
22 teacher is using a 13-year-old child as a counselor, what's  
23 the principal supposed to do about that?

24 MR. LANZILLO: Objection to form. Go ahead.

25 A. There's a whole host of checklist items that are

A-7

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23 the principal supposed to do about that?

24 MR. LANZILLO: Objection to form. Go ahead.

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A-7

1 associated with a teacher's job description and a teacher  
2 evaluation form in terms else of exercising prudent  
3 judgment. If there was a concern by a principal, they could  
4 put a check in that category and follow it up with an  
5 anecdotal note or a written response.

6 Q. You indicated earlier that when it came to your  
7 attention that people complained about the conduct of  
8 teachers that part of your investigation would be having  
9 discussions with the parents and sometimes the students.

10 A. Try and get all the parties involved and resolve  
11 it at the lowest level possible. But, you know, if you're  
12 going to get interpretation and facts of a particular  
13 incident then you try and talk to as many people as you can  
14 that have actually seen the incident or witnessed what did  
15 transpire.

16 Q. Okay. Was it appropriate -- Mr. McClelland  
17 reports that Mr. Snyder told Mr. Yarbenet -- and I'm looking  
18 at Page 21 of the deposition, he said, "Mr. Snyder, just,  
19 you know, he told Mr. Yarbenet, you know, he should be  
20 careful because the people that don't know him or, you know,  
21 Stacy, it does not look good, and he should not put himself  
22 in that situation."

23 Is that the advice that you gave teachers, just be  
24 more careful?

25 MR. LANZILLO: Objection to form. It

A-8

1 mischaracterizes the testimony.

2 A. The advice that a principal might give a teacher  
3 would vary depending on the number of incidents that took  
4 place and the nature of the situation and the facts that  
5 stood out. And that could range from a whole host, from  
6 verbal instructions or directions to written reprimands to  
7 formal evaluation or written documentation for personnel  
8 file.

9 So that question is open to the degree that a  
10 whole range of activities and options would exist for a  
11 principal based on the information that they ascertained in  
12 their review.

13 Q. In this specific situation, would you have  
14 expected Mr. Snyder to make a report to the parents that he  
15 had received a report of inappropriate conduct on the part  
16 of a teacher involving their daughter?

17 MR. LANZILLO: Objection to form.

18 Q. Should he have called Stacy's parents when he  
19 received this complaint?

20 A. Did he receive -- he did not receive a complaint  
21 from the parent?

22 Q. No. Should he have called the parents and told  
23 them that he had received a complaint about Mr. Snyder --  
24 excuse me, about Mr. Yarbenet using Stacy as a confidante  
25 about -- and explaining -- talking to Stacy about his

A-9

1 grieving process with his first wife's death?

2 MR. LANZILLO: Objection to form.

3 A. That would be a judgment call that he would have  
4 to make.

5 Q. So there's no policy at the School District that  
6 would require him to advise the parents of that situation?

7 A. I do not believe so.

8 (Blucas Deposition Exhibit No. 6 marked for  
9 identification.)

10 Q. Let's mark this as Exhibit No. 6. This is a  
11 statement that we received from Ms. Janke in connection with  
12 this case; do you recall who Kim Janke was?

13 A. Just barely.

14 Q. Could you read that statement.

15 A. Out loud?

16 Q. No. You just read it to yourself, I just have a  
17 question.

18 A. (Witness complies.)

19 Q. Can I see that for a second. Now, this is a  
20 statement, it's not a fact, but if Ms. Janke, in fact, put  
21 her concerns that, quote, "Yarbenet and Stacy were alone in  
22 the studio with the door closed," end quote, in writing and  
23 gave that to Mr. Snyder, what was Mr. Snyder supposed to do  
24 with that writing according to the School District's  
25 policies and rules?

A-10

1           A. I don't believe there's a policy or rules with  
2 regard to what he was supposed to with it. I think his  
3 response, and apparently addressing a concern to the  
4 parents, and their response to him that they were totally  
5 comfortable with it, was totally appropriate and followed  
6 through on what would be reasonable and prudent action on  
7 his part.

8           Q. What if he didn't talk to the parents, would your  
9 answer change if, in fact, he didn't talk to the parents?

10          A. That's not the case, he talked to the parents.

11          Q. Well, the case is that he told Ms. Janke that he  
12 talked to the parents, it hasn't been established that he  
13 talked to the parents. And so my question is: What if he  
14 did not not, in fact, talk to the parents?

15          A. I believe he did talk to the parents because he  
16 told me the same response.

17          Q. When did he tell you that he talked to the parents  
18 about Yarbenet's conduct with Stacy?

19          A. At some point in time when I noticed driving home  
20 that the car was there, he had a Corvette.

21          Q. So you talked to Mr. Snyder because you made the  
22 observation that Yarbenet's Corvette was parked at the  
23 Shaffer's residence?

24          A. Yes, but I always saw Mr. and Mrs. Shaffer there  
25 at the same time. It was not that frequent that I would see

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2 regard to what he was supposed to with it. I think his  
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18 about Yarbenet's conduct with Stacy?

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20 that the car was there, he had a Corvette.

21          Q.    So you talked to Mr. Snyder because you made the  
22 observation that Yarbenet's Corvette was parked at the  
23 [REDACTED] residence?

24          A.    Yes, but I always saw Mr. and Mrs. [REDACTED] there  
25 at the same time. It was not that frequent that I would see

1 them because my time schedule's different, but when I did  
2 see it, mom or dad was usually was with -- you know,  
3 accompanied them.

4 Q. So you talked to Mr. -- but you recall you  
5 mentioned the issue --

6 A. I remember talking to Mr. Snyder about it casually  
7 and just saying I see the car there, and he said, yeah, they  
8 have a close relationship and mom and dad are all right with  
9 it.

10 Q. Did he tell you that he talked to the parents  
11 about that close relationship -- well, let me back up a  
12 second.

13 A. How would he know that if he hadn't talked to  
14 them?

15 Q. Well, let me back up a second.

16 A. Did I ask him, when did you call and verify this,  
17 no.

18 Q. Mr. Snyder told you that he knew that Stacy and  
19 Yarbenet had a close relationship; is that right?

20 A. He told me that the parents were aware of it  
21 and -- were aware of it.

22 Q. That wasn't my question. Did you --

23 A. I understand what your questions was, I'm giving  
24 you the answer that I gave.

25 Q. Did he tell you -- first of all, did he premise --

A-12



1 your answer was that the parents were aware of it, and my  
2 question is, what is "it", a close relationship between  
3 Yarbenet and Stacy; is that what "it" is?

4 A. That's correct.

5 Q. So Mr. Snyder told you that he was aware that  
6 there was a close relationship between Yarbenet and Stacy  
7 and that he had talked to the parents about it; is that  
8 right?

9 A. And that the parents were okay with it.

10 Q. Okay. And he talked to you about that in response  
11 to your question of observing the car there, or did he just  
12 bring up that topic himself?

13 A. I think it was in response to just a passing  
14 thing, you know, seeing the vehicle there. He said, yeah,  
15 I'm aware of it, the parents are aware of it, and they're  
16 okay with it.

17 Q. He might have got the information that there was a  
18 close relationship -- strike that.

19 Based upon the testimony of Mr. McClelland that  
20 you've had a chance to read here today, Mr. Yarbenet  
21 apparently told Mr. Snyder that there was a close  
22 relationship between him and Stacy, at least in the sense  
23 that she was his, quote, confidante, end quote; apparently  
24 that's what Mr. McClelland recalls; is that right?

25 MR. LANZILLO: Objection to form.

A-13

1 A. If that's what's in his deposition, then that's  
2 what he said. I can't verify it or not.

3 Q. You read it, so it's in his deposition, right?

4 A. It's in his deposition.

5 Q. Did you ever talk to Mr. Snyder about Mr. Yarbenet  
6 and Stacy on any other occasion before Mr. Yarbenet's arrest  
7 other than this one sort of conversation in passing that  
8 you've just referred to?

9 A. I don't believe so.

10 Q. Do you think that there -- we talked a little bit  
11 about your sense of -- and this is my word, you don't have  
12 to agree with it, your sense of futility about trying to  
13 deal with sexual molestation; do you think that periodic  
14 staff -- periodic training of staff might be helpful in  
15 terms of preventing sexual molestation?

16 MR. LANZILLO: Objection to the initial premise of  
17 the question, the characterization. Go ahead and  
18 answer the question.

19 MR. OLDS: That's a fair objection.

20 A. Being in the education business, all education is  
21 supposed to be helpful, so the answer is yes. Do you want a  
22 qualifier?

23 Q. Sure.

24 A. It's not a 100-percent guarantee that it's not  
25 going to happen, no.

A-14

1 Q. So it's not 100 percent guaranteed, but do you  
2 think that maybe if the topic -- if there was focus on that  
3 topic that it might act, perhaps, as a deterrent to a  
4 teacher who might have those propensities, the propensity to  
5 victimize his students?

6 MR. LANZILLO: Objection to form.

7 A. I think the focus is always there and I think  
8 people are aware of that as cause for dismissal with their  
9 annual evaluation forms.

10 Q. But it was --

11 A. Information that goes to every new employee and  
12 they certainly knew my demeanor with regard to any  
13 inappropriate type of behavior.

14 Q. But there was no communication on a regular basis  
15 to the older staff.

16 A. Yes. On a yearly basis they did receive  
17 notification. The Union received notification on a more  
18 regular basis.

19 Q. Okay. What information did the Union receive?

20 A. They would have had copies of every notification  
21 that went out to the staff. They would have had copies of  
22 any policy reviews in regard to any of those particular  
23 areas, as well as any unsatisfactory evaluation for any  
24 teacher's misconduct or inappropriate behavior, letters of  
25 reprimand of all doings.

A-15

1 Q. We have a situation where Ms. Seneta walks into a  
2 darkened room and sees Yarbenet and Stacy and apparently  
3 doesn't think anything of it, do you thing training that  
4 maybe would provide -- could be provided to teachers such as  
5 Ms. Seneta, you know, keep your eye open for suspicious  
6 situations involving teachers might act as a deterrent,  
7 maybe not affect her, but act as a deterrent to a personal  
8 like Yarbenet to know that other faculty members are  
9 supposed to -- are being advised to keep your eyes open?

10 MR. LANZILLO: Real big objection to the form of  
11 the question.

12 Q. You can answer it.

13 A. It's pure speculation. It's a situation of do you  
14 want to have a school or do want to have Stalag 17. Now,  
15 that's what you're looking at.

16 Q. Okay. Well, you understand that this conduct,  
17 it's not -- the conduct that this case involves isn't  
18 something that happened on one occasion, that it happened on  
19 a daily basis for three years --

20 MR. LANZILLO: Objection to form.

21 Q. -- between the two Plaintiffs.

22 A. I don't know that for sure.

23 Q. Well, that's their testimony. And if --

24 A. I don't know that.

25 Q. If something is happening on a daily basis for

A-16

1 A. Our properties abut each other, yes.

2 Q. Had you ever seen Yarbenet's car at her house?

3 A. Yes.

4 Q. Did you ever talk to him when he was visiting her?

5 A. No. Our properties abut, but I really do not have  
6 a neighborhood relationship where I take pie over there or  
7 go back and forth. I pretty much had my own job and my own  
8 property. Other than the occasional wave on the tractor  
9 mowing grass to her dad, that's about the only dealings I  
10 would have with them. Also, her mother as an employee, or  
11 an IEP with their other daughter would have been about the  
12 only relationship I had with the [REDACTED].

13 Q. When you talked with Marilyn Vargulich did she  
14 tell you that she had received information that Yarbenet had  
15 improper relationships with students?

16 MR. LANZILLO: Objection to form.

17 Q. You can answer that question. And I guess maybe  
18 I'll -- you talked to Marilyn Vargulich the 27th, in that  
19 conversation did she tell you that she had information that  
20 Yarbenet had improper relationships with students?

21 A. I don't honestly recall.

22 Q. Did you ever learn of the nature of the  
23 allegations against Yarbenet?

24 A. From Chief Bucho?

25 Q. Yes.

A-17